

**OKLAHOMA BOARD OF CORRECTIONS**  
**REGULAR MEETING MINUTES**  
**November 13, 2019**

**1. Call to Order**

Interim Director Scott Crow called the regular meeting of the Oklahoma Board of Corrections (BOC) to order at 1:00 p.m. on Wednesday, November 13, 2019, at the Administration Building of the Oklahoma Department of Corrections (ODOC), located at 3400 North Martin Luther King Avenue, Oklahoma City, Oklahoma.

The meeting was preceded by advance notice of the date, time, and place, filed with the Oklahoma Secretary of State on October 31, 2018. An amended meeting notice changing the time was posted with the Oklahoma Secretary of State on May 1, 2019. An announcement was made at least twenty-four (24) hours in advance by posting notice of the date, time, place, and agenda of the meeting at 10:50 a.m. on Tuesday, November 12, 2019, at the principal office of the ODOC, located at 3400 North Martin Luther King Avenue in Oklahoma City, Oklahoma.

**A. Pledge of Allegiance**

Interim Director Crow led the meeting attendees in reciting the pledge of allegiance to the United States Flag.

**B. Roll Call**

Interim Director Crow asked the clerk to call the roll:

Randy Chandler	Present	Stephan Moore	Present
Betty Gesell	Present	T. Hastings Siegfried	Present
Joseph Griffin	Present	Daryl Woodard	Present
Lynn Haueter	Present		
Dr. Kathryn LaFortune	Present		

Calling of the roll reflected a quorum was present.

**2. Introduction of Randy Chandler, Board of Corrections Member**

Interim Director Crow introduced and welcomed Mr. Chandler to the Board.

**3. Introduction of Stephan Moore, Board of Corrections Member**

Interim Director Crow introduced and welcomed Mr. Moore to the Board.

**4. Election of Officers**

The Board of Corrections has three officer positions to fill. The positions include Chair, Vice Chair and Secretary.

**Motion for Chair:**

Mr. Woodard moved to nominate Mr. Siegfried as chair; motion seconded by Dr. LaFortune.

Mr. Griffin moved to nominate Mr. Haueter as chair; motion seconded by Ms. Gesell.

**Results for Siegfried:**

Randy Chandler	Nay	Stephan Moore	Aye
Betty Gesell	Nay	T. Hastings Siegfried	Aye
Joseph Griffin	Nay	Daryl Woodard	Aye
Lynn Haueter	Nay		
Dr. Kathryn LaFortune	Aye		

Interim Director Crow was summoned to break the tie. Interim Director Crow voted for Mr. Siegfried. Mr. Siegfried was elected as chair; no additional votes were taken.

**Motion for Vice Chair:**

Mr. Woodard moved to nominate Mr. Haueter as vice chair; motion seconded by Mr. Griffin.

**Results:**

Randy Chandler	Aye	Stephan Moore	Aye
Betty Gesell	Aye	T. Hastings Siegfried	Aye
Joseph Griffin	Aye	Daryl Woodard	Aye
Lynn Haueter	Abstain		
Dr. Kathryn LaFortune	Aye		

Mr. Haueter was elected as vice chair; no additional votes were taken.

**Motion for Secretary:**

Mr. Haueter moved to nominate Mr. Griffin as secretary; motion declined by Mr. Griffin.

Mr. Siegfried moved to nominate Dr. LaFortune as secretary; motion seconded by Mr. Woodard.

**Results for Dr. LaFortune:**

Randy Chandler	Aye	Stephan Moore	Aye
Betty Gesell	Aye	T. Hastings Siegfried	Aye
Joseph Griffin	Aye	Daryl Woodard	Aye
Lynn Haueter	Aye		
Dr. Kathryn LaFortune	Aye		

Dr. LaFortune was elected as Secretary; no additional votes were taken.

**5. Chair Comments**

Chair Siegfried thanked the Board of Corrections for their service, welcomed the new members and announced there was still one board position vacant.

Mr. Siegfried acknowledged the many changes surrounding the Board and Department of Corrections. Mr. Siegfried indicated the new focus would be to stabilize and he encouraged the Board Members to focus on each other’s strengths and work together to prioritize goals.

There was no further discussion. Chair Siegfried requested Interim Director Crow to announce the sixth item on the agenda.

**6. Approval of Board of Corrections Regular Meeting Minutes**

Interim Director Crow requested approval of the meeting minutes as presented to members in the BOC packet for November 13, 2019.

**A. September 4, 2019**

**Motion:** Mr. Griffin made motion to approve the minutes. Dr. LaFortune seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve
Joseph Griffin	Approve	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

Meeting minutes for September 4, 2019 were approved by majority vote. There was no further discussion.

## 7. Director's Comments

Interim Director Crow provided updates on the following topics:

### A. FY2021 Budget Request

Interim Director Crow stated he and a small group of staff members presented the agency's FY 2021 Budget Request to the Budget Sub-Committee on November 7, 2019. Interim Director Crow indicated that the agency requested a 2% increase in budget and indicated Ms. Ashlee Clemmons, Director of Business Services, would discuss further.

### B. Commutations

Interim Director Crow indicated that a week ago this past Monday (November 4, 2019), the agency, the Pardon and Parole Board and many other external partners went through a commutation process where approximately 450 inmates were released. The commutation was part of HB 780 and SB1269 which allowed for the individuals to be released retroactively. Interim Director Crow said it was a huge event for the agency and he attended the release at Eddie Warrior Correctional Center in Taft. Interim Director Crow indicated the agency will continue to monitor the individuals that were released and thanked all internal and external resources involved in the commutation process.

Mr. Woodard asked if the recent commutation would offset any of the requested 2% increase in the budget.

Interim Director Crow indicated he believed it was too early to determine the impact the commutations will have on the budget. It is important to remember that although approximately 450 individuals were released, there are more individuals waiting in county jail to be brought into the system.

Dr. LaFortune asked if the agency had a long term projection of incarceration rates increasing.

Interim Director Crow indicated they do have projections but he was not prepared to speak about them today.

Dr. LaFortune asked if the agency would take those projections into consideration when determining budget and cost savings.

Interim Director Crow responded yes.

### C. Organizational Chart

Interim Director Crow stated a week ago he released the revised organizational chart for the agency and took a moment to introduce staff to BOC members. The following Positions/staff were introduced:

**Chief of Staff Clint Castleberry:** Mr. Castleberry has a background in programs and was most recently Director of Health Services.

**Chief of Operations Justin Farris:** Mr. Farris has a background in security and facility operations and was most recently Director of Oklahoma Correctional Industries.

**General Services Director Kelly Wilkey:** Mr. Wilkey has a background in security and most recently was Chief of Security for the agency's Central Transportation Unit.

**Inspector General Donnie Anderson:** Mr. Anderson is new to the Oklahoma Department of Corrections Team but has years of experience in criminal investigations.

**Offender Services Director Millicent Newton-Embry:** Ms. Newton-Embry has served in many different areas throughout the agency and most recently was Regional Director overseeing state institutions.

**General Counsel Gary Elliott (Acting):** Mr. Elliott has worked in our legal division for 30+ years and is doing a great job acting as General Counsel in a very busy role.

**Chief Financial Officer (Vacant/Recruiting)**

**Chief Technical Officer (Vacant/Recruiting)**

Interim Director Crow provided an opportunity for the Board to ask questions concerning organizational changes. No further discussion.

#### **D. Governor's Executive Order**

Interim Director Crow referred to Executive Order 2019-41 which was filed on September 27, 2019. The Executive Order called for the interdiction of contraband cellphones by means of technology. One of the key pieces in the order was to look at technology that may "jam" cellphone signals and/or capture the signals. Interim Director Crow indicated that the jamming technology is the direction the agency is taking but of course there are some legal challenges with respect to jamming cellphone signals. Interim Director Crow stated the agency is currently working with the Federal Communications Commission (FCC) to address such challenges and the agency is looking at several different jamming technologies. Interim Director Crow stated the September 14, 2019 disturbance progressed due to the use of contraband cellphones and stressed the importance of eliminating contraband cellphones.

Dr. LaFortune: Is there any data or research on what percentage of contraband cellphones used for violence or gang activity versus used for family communications?

Interim Director Crow referred to Donnie Anderson.

Donnie Anderson: Indicated there was not any data.

Interim Director Crow: Indicated the number of confiscated contraband cellphones is huge and the amount of criminal enterprise as a result of the cellphones was vast.

#### **E. Employee Awards and Recognition Ceremony**

Interim Director Crow announced that the annual awards ceremony is scheduled for November 19, 2019 at 11:00 a.m., at the Will Rogers Theatre, located at 4322 N. Western Avenue in Oklahoma City. Interim Director Crow stated that this event would be celebrating some of the agency's staff that have gone above and beyond. Interim Director Crow invited the Board to join the celebration.

#### **F. Hiring and Retention Impact of Legislative Raise**

Interim Director Crow stated that since the \$2.00 per hour raise was provided by the legislature, the agency has seen an average increase of 63 officer applicants per month. Interim Director Crow indicated this was a welcomed trend and that the agency is most appreciative. Interim Director Crow indicated the agency will continue to look for ways to increase salaries of staff of all levels.

#### **G. BOC Meeting Schedule for 2020**

Interim Director Crow referred to the 2020 board meeting schedule provided in the director's update hand out. Interim Director Crow stated the proposed schedule placed meetings at different facilities across the state. Interim Director Crow indicated this would allow the Board Members to tour facilities throughout the agency. Interim Director Crow requested the Board's thoughts on traveling to different facilities to hold meetings.

Mr. Woodard and Mr. Siegfried approved of the idea and liked the thought of viewing all the facilities and meeting staff.

Mr. Haueter and several other board members voiced concern over hectic schedules and drive times.

Interim Director Crow encouraged the Board to allow facilities to host the meetings as it allowed the Board to see the facilities, meet staff and boost morale.

Mr. Chandler requested if it was possible to use video technology for meetings.

Mr. Griffin indicated he believed you could for regular meetings but not for executive session.

Mr. Elliott agreed with Mr. Griffin's statement but, stated he would confirm.

Kathi Sappington stated she was required to have dates registered with the Secretary of State by December 10, 2019 and any time a change is required, notice must be recorded on the Secretary of State's website.

Final decision was made to leave the proposed 2020 schedule as is and reevaluate later.

#### **H. Orientation Manual**

Interim Director Crow stated his office was in the process of revamping the orientation manual given to board members and anticipates the orientation manual to be complete in December. Interim Director Crow indicated the orientation would not only contain general agency information, but also major obstacles the agency faces.

Mr. Haueter requested to schedule time to go over the orientation manual.  
Interim Director Crow agreed to do so.

**I. Facility Demographic Brochures**

Interim Director Crow stated the communications unit was working to update facility brochures, which will be disseminated to you and available for the public and other agency staff. Interim Director Crow indicated the brochures are expected to be complete in December.

**J. January Public Safety Forum**

Interim Director Crow stated plans are underway for the 2nd Annual Public Safety Forum, hosted by the Department of Corrections, which will be held January 23, 2020, at the Oklahoma History Center in Oklahoma City. Invitations will be mailed out no later than the First week in January.

No further discussion.

*Mr. Haueter exited 1:41 p.m.*  
*Mr. Haueter returned 1:44 p.m.*

**8. Approval of Board of Corrections Policy**

Chief Compliance Officer Penny Lewis requested approval of the Board of Corrections Policy as presented to members in the BOC packet for November 13, 2019.

**A. P-010200, Operating Procedures and Policies for the Oklahoma Department of Corrections.**

Revisions include: *Paragraph 1 and Section I.A, to include items 1 and 2* - revisions consistent with language in HB2480. *Section I.C. item 2* - removed language regarding officer qualification and eligibility. Other items were renumbered sequentially. *Section I.D. item 4.* - Removed paragraph 2 which provided guidelines for limiting voting for newly appointed members. *Section II. A and C. 1 item b.* - Revisions/deletion consistent with HB2480. Section II.C. - Addition of item 6. Entitled "Technology Committee." This was a result of a previous BOC decision to create this committee. *Attachment A* - revisions were made to ensure the language in the attachment were consistent with changes to policy.

**Motion:** Mr. Woodard made motion to approve the P-010200. Mr. Griffin seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve

Joseph Griffin	Approve	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

P-010200 was approved by majority vote. There was no further discussion.

**9. FY 2019 Internal Financial Audit Quarterly Update**

Chief Compliance Officer Penny Lewis provided update to internal audits as presented in the BOC packet for November 13, 2019.

**A. BOC Internal Audit Summary Report – 4<sup>th</sup> Quarter FY 19.**

The internal financial audit team conducted 18 audits in the 4<sup>th</sup> quarter of FY19, reviewing fiscal management compliance and internal controls. Of the 18 facilities/units audited, four had reportable noncompliance of internal control findings. Findings include:

**PPWP**

Probation and Parole – Region I: Findings related to valid contracts, billing and deposits.

**Canteen Purchasing**

Joseph Harp Correctional Center: Compliance with purchase order processing, adjustments to inventories consistent with agency policy, inventories not in agreement with closing inventory balance.

Lexington Assessment and Reception Center: Compliance with purchase order processing, adjustments to inventories consistent with agency policy, inventories not in agreement with closing inventory balance.

**Warehouse Inventory**

Kate Bernard Correctional Center: Inventory not in agreement with closing inventory balances.

Lexington Assessment and Reception center: Inventory not in agreement with closing inventory balances.

**Action Taken**

In all instances where findings were reported; plans of corrective action were submitted to include follow up or procedural changes to ensure future compliance.

Mr. Chandler requested information related to recommended action pertaining to the new hire.

Ms. Lewis referred question to Auditor Pat Donnelly.



Mr. Donnelly indicated new hire was not using spreadsheet and was provided guidance on how to utilize spreadsheet as well as conduct spot checks.

Mr. Haueter asked how risk is assessed.

Mr. Donnelly indicated follow up audits are conducted and if there is no improvement a 100% audit will be conducted.

Mr. Chandler asked if there was “follow up” on discrepancies.

Mr. Donnelly defined follow up procedures, indicating all discrepancies are addressed with the warden and the warden is responsible for creating a corrective action plan to prevent further discrepancies.

Ms. Gesell asked why scope appeared differently at some facilities.

Ms. Lewis indicated state facilities scope were the same but at times privates varied due to contract.

Mr. Haueter asked how audits were rated such as past and current audits.

Mr. Donnelly This year we had 18 audits and of the 18 audits only 4 findings, in the past, the discrepancies have been much higher sometimes 15-16 findings. It appears discrepancies have decreased.

Ms. Lewis the audit scope has changed. It is less derogatory and more solution based.

Mr. Siegfried indicated that forming Committees such as the Audit and Finance Committee will provide strength and allow the Board to really dive into some of the topics such as this.

No further discussion.

*Mr. Griffin exited at 1:56 p.m.*

## **10. GEO Contract Changes for PC Beds**

Community Corrections Director James Rudek requested approval of the GEO Contract Changes for PC Beds as presented in the BOC packet for November 13, 2019.

### **A. GEO Correctional Services Contract 11-4-19 Amendment 2.**

Mr. Rudek stated currently the agency houses up to 360 protective custody inmates that are at North Fork Correctional Center (NFCC). Protective custody housing is very labor intensive; currently it takes five officers to run the protective housing unit at NFCC; general population runs with two. NFCC also struggles with staffing. Therefore, today, the agency is requesting to amend the GEO contract and allow the agency to transfer protective custody housing from NFCC to the Lawton Correctional Facility (LCF). This will allow North Fork Correctional Center to operate all units as general population and alleviate some of the staffing issues. The agency has housed protective custody inmates at LCF in the past and did well. The proposed contract will provide 2,226 medium security beds at \$43.30 and 360 protective custody beds at \$50.00 with no guarantees.

Mr. Woodard asked how protective custody was determined.

Mr. Rudek explained process.

Mr. Siegfried verified number of beds.

Mr. Rudek confirmed.

Mr. Siegfried asked if this had an impact on OSP.

Mr. Rudek responded no.

Mr. Siegfried asked about the contract length.

Mr. Rudek indicated it is a 1 year with a 5 year renewal and ODOC is in year 2.

Mr. Haueter is this to balance and create more cost savings within operations.

Mr. Rudek responded yes.

**Motion:** Mr. Woodard made motion to approve the GEO Contract Amendment 2. Dr. LaFortune seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve
Joseph Griffin	Absent	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

Geo Contract Amendment 2 was approved by majority vote. There was no further discussion.

**11. Legislative Updates**

Communications Director Jessica Brown provided legislative updates and requested approval of staff’s suggested legislative requests as presented in the BOC packet for November 13, 2019.

**A. Staff’s suggested legislative requests for the 2020 Session**

- 1) Remove Medicaid Reimbursement Fee Schedule – Clean up language (O.S. 57 Ch. 1. Sec 38.3)
- 2) Remove outdated language on HIPPA Notifications – Clean up language (O.S. 63 Sec 1-523)
- 3) Change post imprisonment supervision to give P&P more latitude. (Title 22, 991a-21)

Ms. Gesell: Why did it fail last year?

Ms. Brown: indicated it did not fail it just did not make it over to the capitol last year.

- 4) Clarify the entity to file statement with court – the supervising agency ODOC or contracted provider – Clean up language (Title 22-988.22 (B))
- 5) Lessen statutory requirements for P&P Officers to only a bachelor’s degree – deleting 24 hours of specialized courses. Add language to supplement experience for education to broaden pool of applicants. (Title 57, Sec. 515)

Mr. Woodard asked if the agency was having difficulty filling positions.

Ms. Brown responded yes.

Dr. LaFortune asked about the courses in question.

Ms. Brown referred to Mr. Duckworth.

Mr. Duckworth defined the courses in reference and indicated that P&P would like to remove the mandatory courses from statute but incorporate the same material into the training program P&P officers must attend.

Mr. Siegfried agreed with this initiative.

- 6) Expand age for which an offender can qualify for delayed sentencing program from 18-21 to 18-25.
- 7) Reduce correctional officer age limit from 20 to 18 to broaden the pool of applicants. (O.S. 57 510(A)(2)(a))

Woodard asked how the agency felt about the change.

Interim Director Crow Believes this could provide a broader pool and referred to Texas as an example of success.

Ms. Gesell spoke about concerns she heard.

Mr. Siegfried and Dr. LaFortune made positive comments about the initiative.

Mr. Chandler asked if the agency could place younger officers into “safer” roles.

Interim Director Crow referred to Institutional Director Mike Carpenter to discuss officer “shadowing” training.

Mr. Carpenter Correctional Officers receive a 2 week “shadowing” training from an experienced officer and are not allowed to work in certain areas until all official training is completed such as firearms.

- 8) Allow commissioned peace officers the ability to keep their commission if moved to a non-commissioned position. (O.S 57 510)

Mr. Haueter asked if training must be maintained.

Mr. Siegfried and Interim Director Crow confirmed training must be maintained and indicated this would be good for emergency situations.

Mr. Haueter asked about the annual cost.

Interim Director Crow referred to Inspector General Donnie Anderson.

Mr. Anderson indicated there is very little cost associated to maintaining commission. Most training is able to be completed in house and CLEET offers most of the training for free.

- 9) Clean up language in conflicting statutes regarding who appoints and affixes the salary of the director. (O.S. 57 504)

Mr. Siegfried verified request.

Ms. Brown confirmed it was just clean up.

- 10) Standardize sentencing paperwork

Ms. Gesell asked why the paperwork is not standardized.

Ms. Brown indicated that is due to the courts and we do not have control over.

- 11) Identify positions that encompass those assigned to work inside prisons who were not included in last session's bill to increase pay by \$2 per hour. (Title 57, 528.7)

Mr. Siegfried asked if we had a plan in the budget if it does get approved and asked if the \$2 followed the employee if they changed jobs.

Ms. Brown referred to Mr. Elliott on second question.

Mr. Elliott indicated that the \$2 would follow employee.

Mr. Siegfried raised concern over bill and how it was written and how it had the potential to be used improperly by staff in the form of position jumping to earn the \$2 raise.

Interim Director Crow stated this is a very complicated issue. There were 432 employees who were left off and in retrospect a better way to have provided the raise would have been to identify all positions that were in facilities. The problem with our classification system is that in some instances the secretary position that works inside a facility is the same secretary position that works in administration and there is no classification difference between a secretary that works inside a facility or outside a facility. Furthermore, ODOC uses the same classification of positions as other state agencies. Interim Director Crow indicated as he was working to fix the issue it was reviewed by legal and the recommendation was given to not move forward due to concerns that it could cause discrimination lawsuits. HCM legal also reviewed and came to the same conclusion. The new proposed legislation would correct the issue and provides appropriations to do so.

Mr. Woodard and Mr. Siegfried agrees with the legislative initiative.

Mr. Haueter asked if it would change job descriptions.

Interim Director Crow responded with yes.

Mr. Woodard asked Chairman Siegfried if the Board was to be approving the initiatives.

Mr. Siegfried referred back to Ms. Brown who referred to Mr. Elliott.

Mr. Elliott stated first it is informational but at some point the agency would like to have your approval.

Mr. Siegfried asked if these were statutes that must be approved through legislation.

Ms. Brown responded yes.

Mr. Siegfried asked what the time line was on completing and preparing/submitting legislative initiatives.

Ms. Brown indicated the deadline is in December.

**Motion:** Mr. Woodard made motion to approve 2020 Legislative Initiatives. Ms. Gesell seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve
Joseph Griffin	Absent	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

2020 Legislative Initiatives were approved by majority vote. There was no further discussion.

**12. Inmate/Offender Population update**

Offender Services Director Millicent Newton-Embry provided BOC Population Analysis 10-31-19 as presented in the BOC packet for November 13, 2019.

**A. provided BOC Populations Analysis 10-31-19**

Director Newton-Embry provided a summary of Population Analysis; no further discussion.

**13. Budget Updates**

Business Services Director Ashlee Clemmons provided an overview of the following documents/reports as presented in the BOC packet for November 13, 2019.

**A. Clemmons Board Reports Sept. 20**

Director Clemmons provided a summary and explained the “Three Year Expenditure Comparison,” “September/August Expenditure Comparison,” “Three Year Revolving Fund Comparison,” and the “FY 2020 Budget Work Program” documents as presented in BOC Packet for November 13, 2019.

***Three Year Expenditure Comparison (questions and answers)***

Mr. Woodard asked if the agency received federal funding.

Ms. Clemmons stated the agency does receive some federal matching funds for certain positions then OCI and Agri-services are self-sufficient but outside of that, the agency's budget is all appropriated.

Mr. Woodard questioned amount listed for health insurance.

Ms. Clemmons confirmed amount and explained retirement plan.

Mr. Haueter asked about the IT budget it appeared low.

Ms. Clemmons indicated that the agency payment is backlogged. Some of the transactions might not have hit at the time the report was generated.

Dr. LaFortune requested information about program costs.

Ms. Clemmons indicated program costs come from career tech and some of our providers for programs such as substance abuse. Some of the career tech invoices will not reflect until the next month.

***Three Year Revolving Fund Comparison (questions and answers)***

Dr. LaFortune asked if the county jail transport number included inmate court transports or if it was just intake.

Ms. Clemmons indicated it was just intake.

***FY 2020 Budget Work Program (questions and answers)***

Mr. Woodard asked for the fiscal year period.

Ms. Clemmons indicated July 1.

**B. FY 2020 Appropriated Operating Budget 9-30-19 Detailed**

Director Clemmons provided a summary and explained the "FY 2020 Appropriated Operating Budget 9-30-19 Detailed" document as presented in BOC Packet for November 13, 2019.

Mr. Chandler asked if the agency had funds left from last year.

Ms. Clemmons responded yes, approximately \$9.5 million. Of that, the agency has Offender Management System funds that was appropriated the year before and the agency will carry forward leaving approximately \$3 million to work with on the salary deficit.

**C. Copy of Statement of Federal Funds July-September FY20**

Director Clemmons provided a summary and explained the "Copy of Statement of Federal Funds July-September FY20" as presented in BOC Packet for November 13, 2019.

Mr. Woodard asked if the agency had a balance sheet.

Ms. Clemmons indicated the agency did not have a balance sheet but one could be created.

Mr. Siegfried indicated that the Audit and Finance Committee could review and determine reports and possibly include a balance sheet into the necessary reports Business Services provides.

Mr. Haueter requested a cheat sheet for codes.

Ms. Clemmons indicated she would provide him the sheet.

**D. Copy of Statement Revolving Funds July-September FY 20**

Director Clemmons provided a summary and explained the “Copy of Statement Revolving Funds July-September FY 20” document as presented in BOC Packet for November 13, 2019.

No further discussion.

#### **14. FY 2021 Budget Requests**

Director Clemmons provided a summary and explained the FY2021 Budget Requests as presented in BOC Packet for November 13, 2019.

Mr. Haueter the Persimmons Group was brought in by OMES?

Ms. Clemmons responded yes.

Mr. Chandler The agency used to have 17 IT staff members before the move.

Ms. Clemmons Yes the agency had the staff and paid the salaries until the decision was made to consolidate IT services for the state.

Mr. Haueter I believe over time, especially with Mr. Harpe being at OMES, the agency will see more transparency. Mr. Haueter went on to state that he is concerned there are services the agency is paying for and not receiving at all or in a limited capacity. He also wanted to know how the agency could challenge the cost OMES is presenting to the agency.

Ms. Clemmons indicated the number of staff the agency requests is optional.

Mr. Siegfried asked if the 2.4 was hardware and 2.3 was staffing.

Ms. Clemmons responded yes.

Mr. Haueter indicated that he would like to see the support OMES is providing to several of our IT related projects.

Mr. Woodard would like to know what is included in the OMES staff salary.

Mr. Siegfried asked if we pay for unavailable resources.

Ms. Clemmons indicated that if resources are not available they will be deducted from the invoice.

Dr. LaFortune asked if the listed fees apply to every agency.

Ms. Clemmons indicated yes and you can select which services you want.

Interim Director Crow referred to the process as a catalog selection. OMES provides a list of services with associated prices and agencies choose from the list.

Dr. LaFortune asked if the Persimmon Group told the agency what services were recommended for ODOC.

Ms. Clemmons and Interim Director Crow responded no.

Mr. Siegfried indicated we are where we are with the 2021 requests but in the future this will be a great area for the Audit and Finance Committee to discuss.

Mr. Chandler asked if the agency was receiving IT assistance on the Aciss or the new OMS project.

Interim Director Crow referred to Mr. Carpenter.

Mr. Carpenter indicated that ODOC would be responsible for the implementation of the OMS system with support from OMES.

Mr. Anderson Indicated that Aciss will be implementing the program and the Inspector General's staff will assist.

Mr. Craig indicated OMES has very little involvement in the Aciss implementation and would only be providing a VPN.

Mr. Haueter indicated the agency was able to remove OMES from Aciss due to it being cloud based and he would assume the cost would have increased if OMES had to be involved.

Interim Director Crow and Board voiced positive remarks about Mr. Harpe and look forward to seeing what he brings to the table at OMES.

Mr. Chandler requested to know what year the Core Civic Contract is in.

Mr. Rudek indicated the contract has expired and the agency is in a one year extension.

Mr. Siegfried confirmed that the GEO contract is a five year contract and the agency is in year two of that contract.

Interim Director Crow the C&M number of \$158,462 listed on page 169 of the BOC packet is an increase request not the full budget of C&M.

Mr. Haueter asked if Mr. Crow was comfortable with the number.

Interim Director Crow indicated he was, especially with the Bond money that is being utilized to fix several failing infrastructures across the state.

Ms. Clemmons Carry over money was utilized to support the Contraband Interdiction Unit start up. The amount requested (\$1,368,328) is the amount needed for staffing.

Interim Director Crow indicated that it is important to note that the agency was asked to keep their increases within 2% and ODOC successfully did so.

*Mr. Siegfried and the Board recognizes the budget has already been submitted due to the unusual circumstances that occurred with the Board but decided to still put it through the approval process to avoid a potential issue at a later date.*

**Motion:** Mr. Woodard made a motion to approve FY 2021 Budget Requests. Mr. Haueter seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve
Joseph Griffin	Absent	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

The FY2021 Budget Requests were approved by majority vote. There was no further discussion.

## 15. Commutation Project Updates

Chief of Staff Clint Castleberry provided updates from the Commutation Project.



Chief of Staff Clint Castleberry stated House Bill (HB) 1269 directed the Pardon and Parole Board (PPB) to hold an accelerated single stage commutation review of sentences for select felony drug possession and property crimes that were reclassified by State Question (SQ) 780 as misdemeanors.

On August 12, 2019, ODOC provided an electronic list of inmates convicted of possession and property crimes as defined by HB 1269 totaling a little over 5,000 inmates who were potentially eligible for commutation consideration. ODOC worked with the PPB on data exchanges to review and refine list.

Following the initial exchange of information, PPB staff began reviewing the list focusing priority on those with possession only and property only crimes. The list was returned to ODOC with 947 possession only and 102 property only inmates with those types of crimes. It is important to note that through this process time moves on, and as time moves forward the refining of the list continues and some individuals identified on the list as eligible serve their time before commutation date, causing the list to become smaller.

In early September through the duration of the commutation project, ODOC and PPB staff conducted weekly conference calls to monitor, discuss and refine the screening process.

ODOC Assessment and Reception Center staff ran updated rap sheets on the possession only and property only populations to ensure current warrant and detainer information was provided. Sex and Violent offender registration requirements were noted, along with supervision requirements and VINE notification information.

On September 12, DOC staff held a video conference with all facilities and provided direction to facility staff regarding review of the information contained in the master eligibility file for accuracy. The PPB provided a letter for each inmate informing them of their eligibility for potential commutation on the 1269 special docket. A draft commutation certificate for each potentially eligible inmate was reviewed by facility staff to for accuracy. All findings from facility staff were documented and compiled into a master list that was provided back to the PPB on October 1 (per statute) for continued PPB eligibility consideration.

Immediately following the review of eligible inmates by facilities, case management staff began pre-release planning. In October, facility based Transition Fairs were designed and implemented. Twenty-eight transition fairs were conducted with over 200 community partners and volunteer groups representing over 45 organizations and state entities. Transition fairs focused on providing information to inmates on housing, jobs, medical and mental health assistance available after incarceration.

On November 1, 2019, the PPB held special meeting to review and vote on the list of inmates eligible for commutation. Of the 892 inmates docketed for consideration, 527

received a favorable recommendation from the PPB to the Governor for commutation. The PPB denied commutation for those with certain active misconducts, the presence of a PPB registered victim or a victim's protests, DA protests, and those who would have to register as a sex or violent offender.

Of the 527 Inmates who received a favorable vote from the PPB, ODOC received 523 commutation certificates from the Governor's office.

**A breakdown of the 527 is as follows**

- Discharged from Facility – lists the 422 inmates that discharged from a facility as a result of commutation on 11/4/2019.
- Commuted but still in ODOC – lists the 41 inmates that are still in ODOC custody following commutation on 11/4/2019. Most are serving consecutive (CS) or Staggered Concurrent (CSS) cases. Some have not yet served the one-year their sentence has been commuted to.
- Commuted but still in custody – lists the 29 individuals who were commuted and released to another jurisdiction on a warrant or detainer.
- GPS – lists the 25 individuals that were on GPS at the time they commuted.
- Commuted after Discharge – lists the 6 individuals that discharged their sentence prior to commutation on 11/4/2019 during the week of 10/28/2019 – 11/1/2019.
- Denials – 4 individuals were denied by the Governor following the PPB vote. Those include one late victim protest, one inmate discovered as having a requirement to register as a sex offender, and two with last minute misconducts.

Following receipt of the signed commutation certificates and denial letters, ODOC staff worked through the weekend to ensure all documentation was correct in preparation for release on November 4, 2019. The Governor and state leadership participated in a release event at Eddie Warrior Correctional Center (EWCC) on November 4, 2019 with community partners and inmate families.

ODOC will be running checks on those who released due to commutation on a monthly basis to monitor recidivism.

ODOC is currently working with the PPB on another round of data exchange, as the PPB will now move on to those received with only possession and property crimes that were received after the July 31 date of the original data extract.

Mr. Woodard asked if the PPB was part of the ODOC, if they had a large staff and if they had a Board.

Mr. Castleberry responded no, they were not part of ODOC, very small staff and yes they have a Board.

Interim Director Crow spoke about the tremendous effort ODOC and PPB made to accomplish the commutation Project.

Mr. Siegfried exited 3:32 p.m.  
Mr. Siegfried returned 3:34 p.m.  
Dr. LaFortune exited at 3:36 p.m.  
Dr. LaFortune returned 3:39 p.m.

No further discussion.

**16. New Business**

No discussion.

**17. Approval to Enter Into Executive Session**

*Pursuant to 25 O.S. § 307(B) (9), discussing matters involving safety and security at state penal institutions or correctional facilities used to house state inmates.*

*Pursuant to 25 O.S. § 307(B) (4), the Board of Corrections may have confidential communications with its attorney concerning a pending investigation, claim, or action if the Board of Corrections, with the advice of its attorney, determines that disclosure will seriously impair the ability of the Board of Corrections to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.*

- A. Homicide and Assault and Battery with Dangerous Weapon at Dick Conner Correctional Center on September 15, 2019 (Case Number IG 19-0245)
- B. Homicide of inmate Mark Lawhead 481394 at Oklahoma State Penitentiary on October 19, 2019 (Case Number IG 19-0271)
- C. Update on Homicide of Rosco Craig 737554 at Davis Correctional Facility on June 24, 2019 (Case Number IG 19-0144)

Mr. Elliott advised the items listed on the agenda would require adjournment to Executive Session for engaging in confidential communications and recommended Chair Siegfried entertain a motion to enter into Executive Session.

**Motion:** Mr. Siegfried made motion to enter into Executive Session. Mr. Woodard seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve
Joseph Griffin	Absent	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

By majority vote, the BOC entered into Executive Session at 3:40 p.m.

**18. Approval to Return from Executive Session**

**Motion:** Mr. Woodard made motion to return from Executive Session. Dr. LaFortune seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve
Joseph Griffin	Absent	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

The return from Executive Session was approved by majority vote and the regular meeting resumed at 4:18 p.m.

**19. Adjournment**

**Motion:** Mr. Woodard made a motion to adjourn the regular meeting. Dr. LaFortune seconded the motion.

**Results:**

Randy Chandler	Approve	Stephan Moore	Approve
Betty Gesell	Approve	T. Hastings Siegfried	Approve
Joseph Griffin	Absent	Daryl Woodard	Approve
Lynn Haueter	Approve		
Dr. Kathryn LaFortune	Approve		

The adjournment of regular meeting was approved by majority vote.

There being no further business to discuss, the meeting was adjourned at 4:19 p.m.

Submitted to the Board of Corrections by:

Signature on File  
Tasha Parker, Minutes Clerk

01-15-2020  
Date

I hereby certify that these minutes were duly approved by the Board of Corrections on January 15, 2020 in which a quorum was present and voting.

*Signature on File*

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Dr. Kathryn LaFortune, Secretary

Board of Corrections